

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240
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Instruction Memorandum No. 2008-074
Expires: 09/30/2009

To: All Field Officials

From: Assistant Director, Minerals, Realty, and Resource Protection

Subject: Methods for Authorizing Shooting Range Areas on Public Lands

Program Areas: Lands and Realty – Authorizations and Disposals
Recreation and Visitor Services – Shooting Sports

Purpose: Clarification of policy and guidance and alternative methods for authorizing proposed shooting sports areas on public lands.

Policy/Action: The Bureau of Land Management (BLM) may authorize shooting sports areas such as target ranges on public lands where they are consistent with the goals and objectives in the applicable resource management plan and would enhance public land management by improving public safety, providing recreational opportunities, providing firearms or archery safety and hunter education training for the community, or consolidating opportunities for dispersed target shooting.

The methods for allocating public land for shooting sports areas and related facilities are through direct sale under Section 203 of the Federal Land Policy and Management Act (FLPMA), or through patents issued under the Recreation and Public Purposes Act of 1926 (R&PP). The preferred method is by the use of direct sales under the FLPMA.

Section 203 FLPMA Direct Sale

If it is determined a direct sale is the most effective conveyance method, the land is sold at the appraised value. The advantages are that the Federal government receives market value for the land, there are no reverters attached to the conveyance, both private entities and for-profit corporations qualify to buy the land, and the title conveyance transfers responsibility of all management, operation, and remedial actions to the patentee. The disadvantage to the patentee is that no reduction of the purchase fee (like that offered under the R&PP Act) is allowed. In summary, a FLPMA Section 203 sale is a complete severance of surface estate of public lands without any reversionary clauses attached.

Recreation and Public Purposes (R&PP) Act Patents

Patents issued under the R&PP Act, as amended (U.S.C. 869, et seq.) are another method of authorizing shooting sports facilities. The R&PP Act provides for the patenting of public lands for recreational and public purposes to States or their political subdivisions, and to non profit corporations and associations. Lands must be for an established or definite proposed project with a reasonable timetable of development and management. Patents carry a limited reverter clause and if the patentee attempts to transfer title, use the land for another purpose, or discriminates against potential users, title reverts to the United States.

The advantage to the patentee is the lands are conveyed at less than fair market value, with government entities qualifying for a significant reduction in the conveyance price, while non profit entities may receive a discount up to 50 percent of the market value of the property. The disadvantage is that the R&PP conveyance requires periodic monitoring and evaluation to ensure that the patentee is conforming to the plan of development.

Timeframe: This Instruction Memorandum (IM) is effective upon receipt.

Budget Impact: This is a clarification of existing policy and suggestions for use of alternative methods to authorize shooting sports facilities. The result should have minimal impact on the budget and may possibly save costs by transferring monitoring, compliance, and remedial actions to the patentee.

Background: There is an increased demand for shooting sports opportunities and growing concern by communities, organizations, and interest groups about the availability of public lands for shooting sports authorizations and activities. National organizations promote the construction and operation of shooting ranges according to national standards and guidelines. Residential, business, community and national interests are concerned about existing and proposed ranges on public

lands in terms of public health and safety, associated noise, lead accumulation and migration, lead collection and proper disposal, and the need for operator vigilance to staff and monitor use and resource conditions.

The BLM supports establishing new sites that are designed, constructed, and operated according to established national standards. Guidance to support these standards can be found at United States Environmental Protection Agency, EPA-902-B-01-001, Revised June 2005, Region 2, “ Best Management Practices for Lead at Outdoor Shooting Ranges.”

Manual/Handbook Sections Affected: This IM clarifies policy guidance contained in the following BLM Manuals and Handbooks:

Manual/Handbook 2720 Public Sales
Manual 2740, Recreation and Public Purposes
Handbook 2740-1, Recreation and Public Purposes

Coordination: This guidance was coordinated with the Field and State Office staffs involved in the Lands and Realty and the Recreation and Visitor Services Programs.

Contact: Please contact me at 202-208-4201 if you have any questions regarding this policy, or you may contact Ed Ruda, Division of Lands, Realty and Cadastral Survey (WO -350) at 202-452-7778.

Signed by:
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Authenticated by:
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Division of IRM Governance, WO-560